

REMARKS

The application has been amended as needed so as to place it in condition for disposal at the time of the next Official Action.

Claims 1-16 were rejected under 35 USC §103(a) as being unpatentable over STUPAK et al. 5,851,147 in view of the WALKER et al. publication 2003/0017864. The Official Action states that STUPAK et al. disclose a method of playing a game. The game provides a gaming apparatus 10, an input device 24 for allowing a player to select a payout schedule, an input device 14 for allowing two or more bets associated with the selected payout schedule, a device (buttons 26 and 27) for selecting a combination of symbols in a random manner, and a device (cash-out button 30) for determining whether the combination of symbols is a winning combination and awarding the player for a winning combination for each bet. To play STUPAK et al.'s game, a plurality of payout schedules 20 is provided. These payout schedules are displayed to the player, and the latter may select a payout schedule 58, and place two or more bets by inserting one or more coins in slot 14. A combination of symbols (cards 18) is selected in a random manner. The selected combination of symbols is compared to winning combinations of symbols 76, and the player is awarded for a winning combination 78. The player then has the option of repeating the amount bet on the payout schedule as is indicated in column 8, lines 52-54.

The secondary reference to WALKER et al. is relied upon as disclosing a video poker game wherein a player is allowed to choose from among two or more payout tables. The Official Action concludes that in view of such teaching, a person having ordinary skill in the art would have been led to modify STUPAK et al.'s gaming apparatus to allow the player to select two or more payout schedules, as such modification would have given players more options of placing bets when playing STUPAK et al.'s game, thereby making the game more exciting to play.

Reconsideration of the above rejection is respectfully requested for the following reasons.

The WALKER et al. reference states that a player may be allowed to choose from among two or more payout tables and does not specify that the player is allowed to actually select two or more payout tables. It is respectfully submitted that this interpretation of paragraph [0138] in the WALKER et al. reference is correct, because the general teaching in the rest of the publication is to increase certain payout ratios to induce a player to make one particular selection, that is less likely to lead to a large payout. The Examiner's attention is respectfully directed to paragraphs [0027] and [0084]-[0096].

The purpose behind allowing the player to select a payout table in the WALKER et al. reference would seem to be that the apparatus may increase the payout ratios in one or more of the tables so as to "tempt" the player to select one of those

tables, thereby leading him away from choosing the table that would produce a higher payout (based on the "hold" selections made by the player).

There is no equivalent method in the STUPAK et al. reference, where the selection simply allows a player to choose which (single) Jackpot for which he wishes to play. Consequently, it would be illogical for a person having ordinary skill in the art to incorporate a step from WALKER et al. that relates to a sophisticated method of "leading" the player into making a selection based on several factors (such as the symbols held and historical performance data for the player) into the straightforward Jackpot selection feature disclosed in STUPAK et al. Moreover, in the STUPAK et al. reference, the player selects the Jackpot before starting a new game, whereas the payout table selection discussed in paragraph [0138] of WALKER et al. would take place after the player has seen the cards and made a HOLD selection.

It is respectfully urged that there is no teaching of relevance to the herein claimed invention, from a fair reading of WALKER et al. taken together with STUPAK et al. Indeed, there is simply no disclosure in either reference that would lead a person having ordinary skill in the art to create a game that would allow a player to select two or more schedules. Both references would lead the skilled artisan to a game where a player is allowed to select one payout schedule that includes payout ratios

that the player believes will result in a bigger win for him or her for a certain winning combination of cards.

However, allowing the player to select two or more payout schedules, as in the game of the herein claimed invention, means that the player can have the option of selecting payout schedules that will result in payouts for a wide variety of different types of hands. For example, the player may want to bet on payout schedule 130, which would give a substantial win if a straight flush was dealt, and also bet on payout schedule 126 if he would still like to receive a win if the hand dealt only included a "Jacks or Better" combination. This gives the player an increased chance of receiving some payout, even if the winning combination is a "lower value" combination, while still giving him the opportunity to gain a large payout if a "higher value" combination is dealt. In addition, the facility to make bets using several different payout schedules means that the amount of money a player puts into a single machine will often be increased. The stubborn fact remains that no similar feature is even suggested in STUPAK et al. and WALKER et al., either alone or in combination. Consequently, it is respectfully submitted that the herein claimed invention is patentable over the combined teachings of STUPAK et al. and WALKER et al.

The independent claims of the present invention also specify that the player is allowed to select the payout schedules irrespective of an amount to any bets he places, while Figures 3,

5 and 6, for example, of the STUPAK et al. reference indicate that a minimum number of coins must be bet in order to select a particular payout schedule.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance. Reconsideration and allowance are accordingly earnestly solicited.

In the event that there are any questions relating to this amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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